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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,094	12/13/2001	Thomas E. Coverstone		9964

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EXAMINER	
FOX, BRYAN J	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,094	COVERSTONE, THOMAS E.	
	Examiner	Art Unit	
	Bryan J Fox	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fan et al (US005959577A).

Regarding **claim 1**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "telecommunications network, comprising: a communication device." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "tracking system for tracking the communication device; and a processing device that processes information received directly or indirectly from the tracking system."

Regarding **claim 2**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the

claimed, "wireless telecommunications system, comprising: a wireless communication device being capable of communicating with an existing position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "system for storing and processing location positions of the wireless communication device."

Regarding **claim 3**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "wireless telecommunications system, comprising: a wireless communication device, including a location position feature, the wireless communication device being capable of communicating with an existing position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "system of storing and processing location positions of the wireless communications device."

Regarding **claim 4**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22

and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "wireless telecommunications system, comprising: a wireless communication device being capable of communicating with an existing position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "memory device for storing position locations of the wireless communication device; and a processor for processing information from the memory device."

Regarding **claim 5**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "wireless telecommunications system capable of communicating with an existing wireless communication device that is capable of communicating with an existing position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "memory device for storing location positions of the wireless communication device; and a

processing system for processing information from the memory device and relating to the stored location positions of the wireless communication device."

Regarding **claim 6**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "a system that is used with an existing wireless communications device that is capable of communicating with an existing wireless communication device that is capable of communicating with an existing position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "memory device for storing position locations of the wireless communication device; and a processor for processing information from the memory device."

Regarding **claim 7**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "system that is used with at least one wireless communication device that is capable of communicating with an existing position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query

is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "memory device for storing position locations of the wireless communication device; and a processor for determining trends from the position locations stored in the memory device."

Regarding **claim 8**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "system that is used with a wireless communication device that is capable of communicating with a position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45), which reads on the claimed, "memory device for storing transactions made relating to the wireless communication device; and a processor for determining trends from the transactions stored in the memory device."

Regarding **claim 9**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "system that is used with a wireless communication device and a position location system, the wireless communication device being capable of communicating with the position location system." The mobile unit allows a user to report his/her

position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45). Upon receiving the inbound data package with the response to the query, the mobile device displays the corrected position and the destination on its screen. Additionally, special markers can be used for indicating interesting conditions, for example, a mobile unit that has been stationary for a predetermined period of time can be marked by a special marker (see column 5, lines 22-52), which reads on the claimed, "memory device for storing position locations of the wireless communication device and for storing transactions made relating to the wireless communication device; and a processor for determining trends by recalling stored information from the memory device and processing the recalled information."

Regarding **claim 10**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "wireless communication system that is used with a wireless communication device and a position location system, the wireless communication device being capable of communicating with the position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45). Upon

receiving the inbound data package with the response to the query, the mobile device displays the corrected position and the destination on its screen. Additionally, special markers can be used for indicating interesting conditions, for example, a mobile unit that has been stationary for a predetermined period of time can be marked by a special marker (see column 5, lines 22-52), which reads on the claimed, "memory device for storing position locations of the wireless communication device and for storing transactions made relating to the wireless communication device; a processor for determining trends by recalling stored information from the memory device and processing the recalled information; and a transmitter for transmitting targeted broadcasts to the wireless communication device based on the current location of the communication device," wherein the query and response read on transactions, and special conditions such as being stationary for a predetermined period of time read on trends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al in view of Ablay et al (US005408683A).

Regarding **claim 11**, Fan et al disclose a vehicle locating system with a GPS satellite constellation 8, data network 27, data processing station 18, monitor unit 22 and mobile units 1 and 3 (see column 2, lines 60-67 and figure 1), which reads on the claimed, "wireless communication system that is used with a wireless communication device and a position location system, the wireless communication device being capable of communicating with the position location system." The mobile unit allows a user to report his/her position and to obtain travel-related information over a data network. When the operator wishes to request travel-related information, a query is sent that includes the query, a time stamp and a history showing the most recent positions of mobile unit may also be included (see column 3, lines 11-45). Upon receiving the inbound data package with the response to the query, the mobile device displays the corrected position and the destination on its screen. Additionally, special markers can be used for indicating interesting conditions, for example, a mobile unit that has been stationary for a predetermined period of time can be marked by a special marker (see column 5, lines 22-52), which reads on the claimed, "memory device for storing position locations of the wireless communication device and for storing transactions made relating to the wireless communication device; a processor for determining trends by recalling stored information from the memory device and

processing the recalled information." Fan et al fail to expressly disclose that the target broadcasts are based on the trends of the communication device.

In a similar field of endeavor, Ablay et al disclose an embodiment where a in response to a query, a control unit determines data of a location which is nearest to the present vehicle position from among locations that are in the forward direction of the vehicle's traveling direction and displaying that determined information (see column 4, lines 50-59).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Fan et al with Ablay et al to include the above broadcasts based on direction of travel in order to reduce signaling by providing only the most relevant information to a user.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Abo et al (US005948041A) disclose an information service device having simple data retrieval capabilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold

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Bryan Fox
June 14, 2005